

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court Northern District of Ohio on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 5:08-cv-00720	DATE FILED 12/15/2010	U.S. DISTRICT COURT Northern District of Ohio
PLAINTIFF OLUSEGUN FALANA		DEFENDANT KENT STATE UNIVERSITY
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,830,789		
2		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
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4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT ORDER		
CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

DOWD, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Olusegun Falana,)	
)	CASE NO. 5:08 CV 720
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
Kent State University, et al.,)	
)	
Defendants.)	
)	

For the reasons set forth in the Findings of Fact and Conclusions of Law, and Judgment Entry filed contemporaneously with this Order, IT IS HEREBY ORDERED ADJUDGED AND DECREED that OLUSEGUN M. FALANA is an inventor of United States Patent No. 6,830,789.

Therefore, pursuant to 35 U.S.C. § 256, the Court ORDERS that:

1. The inventorship designation of United States Patent No. 6,830,789 is hereby corrected to add OLUSEGUN M. FALANA as a named inventor.

The Director is ORDERED to issue a Certificate of Correction adding OLUSEGUN M. FALANA as a named inventor on United States Patent No. 6,830,789 in accordance with this ORDER correcting the inventorship of United States Patent No. 6,830,789.

(5:08 CV 720)

The Clerk is directed to forward a copy of this ORDER for issuance of a Certificate of Correction for United States Patent No. 6,830,789, to the Office of General Counsel for the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450

IT IS SO ORDERED.

December 14, 2010
Date

s/ David D. Dowd, Jr.
David D. Dowd, Jr.
U.S. District Judge

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

OLUSEGUN FALANA
310 Fontana Albero
San Antonio, Texas 78253

Plaintiff,

v.

KENT DISPLAYS, INC.
343 Portage Blvd.
Kent, Ohio 44242

KENT STATE UNIVERSITY
Office of University Counsel
Executive Office, 2nd Floor Library
Kent, Ohio 44242-2980

ALEXANDER J. SEED
C/o Kent State University
Office of University Counsel
Executive Office, 2nd Floor Library
Kent, Ohio 44242-2980

JOSEPH W. DOANE
C/o Kent Displays, Inc.
343 Portage Blvd.
Kent, Ohio 44242

ASAD A. KHAN
C/o Kent Displays, Inc.
343 Portage Blvd.
Kent, Ohio 44242

Defendants.

CASE NO. _____

JUDGE _____

COMPLAINT FOR CORRECTION OF
INVENTORSHIP OF U.S. PATENT NO.
6,830,789 AND OTHER RELIEF

Pursuant to 35 U.S.C. § 256, Plaintiff Olusegun Falana, seeks correction of inventorship of U.S. Patent No. 6,830,789, titled “Chiral Additives for Cholesteric Displays” (“Patent”), naming him as an inventor therein; a declaration of his property rights in the Patent and other appropriate relief, including an injunction preventing the Defendants’ interference with those property rights.

PARTIES

1. Plaintiff Olusegun Falana (“Falana”) was a Postdoctoral Fellow employed by Defendant Kent State University in the Department of Chemistry, from at least January of 1998 through June of 1999, and served as Co-Research Institution Investigator to work on a research project in association with the Defendants which led to the discovery of novel High Twisting Power Chiral Materials for Cholesteric Displays and the issuance of the Patent.
2. Defendant Kent Displays, Inc. (“KDI”) is an Ohio corporation founded in 1993, in part, as a vehicle for commercializing cholesteric liquid crystal displays, with has its principle place of business in Kent, Ohio.
3. Defendant Kent State University (“KSU”) is an Ohio public university with its main campus, including the Department of Chemistry, located in Kent, Ohio.
4. Defendant Alexander J. Seed (“Seed”) is an Associate Professor at KSU, and served as Co-Research Institution Investigator on the research project that led to the issuance of the Patent.
5. Defendant Joseph W. Doane (“Doane”) is Chief Technology Officer and co-founder of KDI, and served as Principal Investigator on the research project that led to the issuance of the Patent.
6. Defendant Asad A. Khan (“Khan”) is a Senior Research Scientist at KDI, and served as Co-Principal Investigator on the research project that led to the issuance of the Patent.

JURISDICTION AND VENUE

7. This is an action for correction of inventorship under the Patent Laws of the United States, Title 35 of the United States Code.
8. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. § 1331 and § 1338.
9. Venue is proper in this District pursuant to 28 U.S.C. § 1391 and § 1400.

FIRST CLAIM

(Correction of Inventorship and Injunctive Relief)

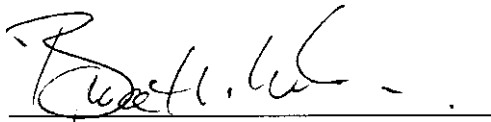
10. As a result of the research project involving the above named parties, an application for the Patent was filed June 9, 2000, which omitted Falana as an inventor.
11. On December 14, 2004, the Patent was issued to Defendants KDI and KSU. See Patent attached as Exhibit A.
12. Falana asserts that he is an inventor omitted from the Patent without any deceptive intention on his part.
13. Falana asserts that his efforts to correct his omission as an inventor have been ineffective because the Defendants refuse to consent to the correction.
14. KDI's counsel has represented that the owners of the Patent, KDI and KSU, intend to disclaim the Patent into the public domain as provided under 35 U.S.C. § 253. See May 15, 2006 letter attached as Exhibit B.
15. As an inventor, Falana is entitled to certain property rights in the Patent under 35 U.S.C. § 261 and § 262.
16. Falana is entitled to injunctive relief under 28 U.S.C. § 2201 enjoining the real and immediate material interference with his property rights in the Patent.

PRAYER FOR RELIEF

Wherefore, Falana prays for this Court to grant the following relief:

- a. Entry of a preliminary injunction enjoining Defendants from disclaiming the Patent into the public domain until final judgment upon this matter has been determined.
- b. Entry of a judgment declaring Falana to be an inventor of the Patent, and issuance of an order directing the USPTO to name Falana as an inventor as provided under 35 U.S.C. § 256.
- c. Such other and further relief as the Court may deem appropriate.

Signed: _____


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